IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 3995 of 2004
Date of decision: February 13,2007

Ranbir V. Gram Panchayat

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Baljinder Singh, Advocate, for the appellant.
Shri Ashwani Bakshi, Advocate for the respondent.

Viney Mittal,J.(Oral)

Learned counsel appearing for the appellant has contended that the two courts below have found the plaintiff-appellant to be in possession of the suit property, the suit for permanent injunction had been decreed by the trial court but on a appeal filed by the Gram Panchayat the judgment and decree of the trial court have been set aside merely on account of the fact that the possession of the plaintiff was unauthorised.

Learned counsel for the appellant further states that in any case the plaintiff-appellant being in possession of the suit property, could not be dispossessed by using force and except in due course of law.

Shri Ashwani Bakshi, learned counsel appearing for the defendant,Gram Panchayat has contended that a finding of fact has been recorded by both the courts below that the plaintiff-appellant is in unauthorised possession. Shri Bakshi further states that the defendant-Gram Panchayat has already issued notice Ex.D19 under the provisions of Haryana Panchayati Raj Act. Shri Bakshi very fairly states that Gram Panchayat shall initiate proceedings in accordance with law and shall not dispossess the plaintiff forcibly i.e. except in due course of law.

The aforesaid statement made by the learned counsel for the defendant,Gram Panchayat fully satisfies the learned counsel for the appellant.

In view of the aforesaid agreement between the learned counsel for the parties, the present appeal is disposed of accordingly

February 13,2007 (Viney Mittal)
sks Judge